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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

	X		
Caracolillo Coffee Mills, Inc.,		:	
	Opposer,	: :	
v.		:	Opposition No. 120,415
Pan American Coffee Co., Inc.,		:	
	Applicant.	: : :	LICON HOLD HAR INDIVIDUAL TORNA HOLD HA
	x	•	12-27-2001 U.S. Patent & TMOfc/TM Mall Ropt Dt. #61

## **MOTION TO SUSPEND PROCEEDINGS**

Pursuant to 37 C.F.R. § 2.117, Applicant respectfully requests that the Board suspend proceedings in this matter. The suspension is necessary to allow Applicant to file a motion to amend the subject application to one for concurrent registration, excepting Opposer to Applicant's claim of exclusive use. *See Pro-Cuts v. Schilz Price Enterprises Inc.*,27 U.S.P.Q.2d 1224 (T.T.A.B. 1993).

According to the statements made in both the Notice of Opposition and Applicant's Answer, both parties have been concurrently using the mark CAFÉ CARACOLILLO in commerce in connection with the sale of coffee for at least fifty (50) years. Consequently, it is believed that a concurrent use proceeding is the proper vehicle for resolving the issues between the parties. It is further believed that granting this motion together with an amendment for concurrent use will conserve the Board's resources.

Alternatively, if Applicant's motion to suspend is denied, Applicant requests that the time for Applicant to respond to Opposer's motion for summary judgment be extended for thirty (30) days. 37 C.F.R. § 2.127.

PAN AMERICAN COFFEE CO., INC.

Date: December 26, 2001

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## **CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing has been served upon Opposer's counsel Bassam N. Ibrahim of Burns, Doane, Swecker & Mathis, Post Office Box 1404, Alexandria, VA 22313-1404 this 26th day of December 2001 marked first class mail, postage prepaid.

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## **CERTIFICATE OF MAILING**

It is hereby certified that the attached Applicant's Motion to Suspend Proceedings (re Opp. No. 120,415) is being deposited with the U.S. Postal Service address to the Hon. Assistant Commissioner of Trademarks, Box TTAB-No Fee, 2900 Crystal Drive, Arlington, Virginia 22202 this 26th day of December 2001 marked first class mail, postage prepaid.

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